

Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CEDAR PARK ASSEMBLY OF GOD OF
KIRKLAND, WASHINGTON,

Plaintiff,

v.

MYRON "MIKE" KREIDLER, in his official
capacity as Insurance Commissioner for the State
of Washington; JAY INSLEE, in his official
capacity as Governor of the State of Washington,
Defendants.

Civil No. 3:19-cv-05181

**SUPPLEMENTAL
VERIFIED COMPLAINT
FOR INJUNCTIVE AND
DECLARATORY RELIEF**

Plaintiff, Cedar Park Assembly of God of Kirkland, Washington, by and through its undersigned attorneys, files this Complaint for Injunctive and Declaratory Relief against the Defendants, in their official capacities, and alleges as follows:

INTRODUCTION

1. Paragraphs 1 through 3 of Plaintiff's Second Amended Verified Complaint (ECF No. 46), with paragraph numbers, are adopted here pursuant to Fed. R. Civ. P. 10(b) and 10(c).

NATURE OF THE CASE

2. Paragraphs 4 through 8 of Plaintiff's Second Amended Verified Complaint, with paragraph numbers, are adopted here pursuant to Fed. R. Civ. P. 10(b) and 10(c).

JURISDICTION AND VENUE

9. Paragraphs 9 through 14 of Plaintiff's Second Amended Verified Complaint, with paragraph numbers, are adopted here pursuant to Fed. R. Civ. P. 10(b) and 10(c).

PARTIES

15. Paragraphs 15 through 17 of Plaintiff's Second Amended Verified Complaint, with paragraph numbers, are adopted here pursuant to Fed. R. Civ. P. 10(b) and 10(c).

FACTS

Cedar Park Assembly of God

18. Paragraphs 18 through 23 of Plaintiff's Second Amended Verified Complaint, with paragraph numbers, are adopted here pursuant to Fed. R. Civ. P. 10(b) and 10(c).

Cedar Park's Beliefs Regarding the Sanctity of Human Life and Abortion

24. Paragraphs 24 through 38 of Plaintiff's Second Amended Verified Complaint, with paragraph numbers, are adopted here pursuant to Fed. R. Civ. P. 10(b) and 10(c).

Cedar Park's Employer-Sponsored Health Insurance

39. Paragraphs 39 through 48 of Plaintiff's Second Amended Verified Complaint, with paragraph numbers, are adopted here pursuant to Fed. R. Civ. P. 10(b) and 10(c).

48.1. On August 14, 2019, Cedar Park was informed that its insurance provider, Kaiser Permanente, would require Cedar Park to include abortion coverage in its health care plan set to renew on September 1, 2019. Due to the late notice from Kaiser and the Church's commitment to care for its employees through the continuity of health care coverage, Cedar Park made the decision to renew its insurance plan, and did so under protest.

48.2 Kaiser Permanente has stated that it will not be accommodating any abortion exclusions to fully insured groups, including Cedar Park. Kaiser therefore will not permit Cedar Park to invoke the limited religious exemption in RCW § 48.43.065, which allows Cedar Park to

1 refuse to directly provide coverage for abortion or abortifacient contraceptives (but still allows the
2 insurer to charge Cedar Park a separate premium or fee for the objectionable coverage).

3 48.3 Kaiser Permanente will change the Church's plan mid-year to eliminate coverage
4 of abortion if SB 6219 is enjoined.

5 **Senate Bill 6219**

6 49. Paragraphs 49 through 58 of Plaintiff's Second Amended Verified Complaint, with
7 paragraph numbers, are adopted here pursuant to Fed. R. Civ. P. 10(b) and 10(c).

8 **RCW § 48.43.065**

9 59. Paragraphs 59 through 76 of Plaintiff's Second Amended Verified Complaint, with
10 paragraph numbers, are adopted here pursuant to Fed. R. Civ. P. 10(b) and 10(c).

11 **The Effect of SB 6219 on Cedar Park**

12 77. Paragraphs 77 through 89 of Plaintiff's Second Amended Verified Complaint, with
13 paragraph numbers, are adopted here pursuant to Fed. R. Civ. P. 10(b) and 10(c).

14 **COUNT I**

15 **Violation of the Free Exercise Clause of the
First Amendment to the United States Constitution**

16 90. Plaintiff realleges all matters set forth in paragraphs 1–89 and incorporates them
17 herein.

18 91. Paragraphs 91 through 134 of Plaintiff's Second Amended Verified Complaint,
19 with paragraph numbers, are adopted here pursuant to Fed. R. Civ. P. 10(b) and 10(c).

20 **COUNT II**

21 **Violation of the Equal Protection Clause of the
Fourteenth Amendment to the United States Constitution**

22 135. Plaintiff realleges all matters set forth in paragraphs 1–89 and incorporates them
23 herein.

1 D) This Court issue the requested injunctive relief without a condition of bond or other
2 security being required of Cedar Park;

3 E) This Court award Plaintiff attorney fees and costs against the Defendants under 42
4 U.S.C. § 1988, and any other applicable statute; and

5 F) This Court award such other and further relief as it deems equitable and just.
6

7 Respectfully submitted this 3rd day of October 2019,

8 By: s/Kevin H. Theriot

Kristen K. Waggoner (WSBA #27790)

9 Kevin H. Theriot (AZ Bar #030446)*

10 Elissa M. Graves (AZ Bar #030670)*

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18 *Counsel for Plaintiff*

19 * Admitted *pro hac vice*
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CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2019, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

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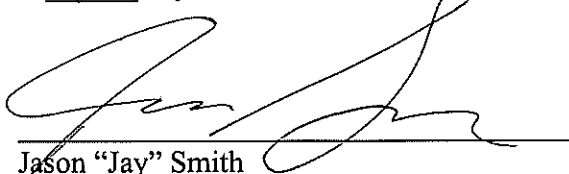
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*Attorneys for Plaintiff Cedar Park Assembly of God
of Kirkland, Washington*

* Admitted *pro hac vice*

DECLARATION UNDER PENALTY OF PERJURY

I hereby declare under penalty of perjury, including pursuant to 28 U.S.C. § 1746, that the foregoing factual allegations are true and correct.

Executed on this 2 day of October 2019 in the United States.

A handwritten signature in black ink, appearing to read "Jason Smith", written over a horizontal line.

Jason "Jay" Smith
Senior Pastor, Cedar Park Assembly of God of Kirkland, Washington